

# Wetlands Bureau Decision Report

Decisions Taken  
03/22/2004 to 03/26/2004

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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### **2003-01188                      GUERRERA REALTY TRUST WINDHAM   Unnamed Wetland**

#### Requested Action:

Fill approximately 25,290 square feet of emergent, scrub-shrub and forested wetlands, and the bed and banks of an intermittent stream to construct a roadway to provide access to 48 single-family building lots of a 50-lot subdivision on approximately 188 acres. As compensatory mitigation for wetlands and surface waters impacts preserve approximately 107.5 acres on-site, including 27.6 acres of wetlands and 79.9 acres of contiguous upland buffer.

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#### Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated October 6, 2003 the Windham Conservation Commission (ConCom) indicated that during the final public hearing for the proposed project the Windham Planning Board approved a left-turn lane on Route 28 to access the proposed subdivision that would require approximately 8,000 square feet of additional wetlands impacts. Based on review of the applicant's traffic impact study, the ConCom stated that the left-turn lane was not warranted and recommended that the Department deny the request for construction of the left-turn lane.

In a letter to the DES Wetlands Bureau dated September 9, 2003 the Windham ConCom indicated that based on a site inspection of the property with DES Wetlands Bureau staff, many of its concerns regarding the project had been resolved. The ConCom did, however, request that it be granted the opportunity to review and comment on the project's proposed open space covenants.

In a letter to the DES Wetlands Bureau dated July 28, 2003 the Windham ConCom made the following recommendations: 1. Minimize the size of the rip-rap outlet apron at wetland impact area 'A'; 2. Pursue opportunities to create wetlands in the vicinity of proposed wetland impact area 'B'; and 3. Reduce the width of Northland Road to minimize wetlands impacts. The ConCom also requested a meeting with DES Wetlands Bureau staff to discuss their recommendations.

Inspection Date: 08/28/2003 by Christian P Williams

#### APPROVE PERMIT:

Fill approximately 25,290 square feet of emergent, scrub-shrub and forested wetlands, and the bed and banks of an intermittent stream to construct a roadway to provide access to 48 single-family building lots of a 50-lot subdivision on approximately 188 acres. As compensatory mitigation for wetlands and surface waters impacts preserve approximately 107.5 acres on-site, including 27.6 acres of wetlands and 79.9 acres of contiguous upland buffer.

#### With Conditions:

1. All work shall be in accordance with the following plans by Benchmark Engineering, Inc., as received by the Department on March 10, 2004:
  - a) The Subdivision Plan (Sheet 2 of 61 & Sheets 4 - 29 of 61), the Northland Road Plan & Profile (Sheet 31 of 61), and the Dunston Road Plan & Profile (Sheet 33 of 61) dated May 27, 2003 and revised December 26, 2003; and
  - b) The Subdivision Plan Notes (Sheet 3 of 61), the Northland Road Plan & Profile (Sheet 30 of 61), the NH Route 28 Existing Conditions Plan (Sheet 48 of 61), the NH Route 28 Improvement Plan (Sheets 49 & 50 of 61), and the Construction Details (Sheets 57 - 61 of 61) dated May 27, 2003 and revised February 4, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Dam Safety Program.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback, except as necessary to provide improvements to NH Route 28 and the existing driveway to Lot 601 (Windham Tax Map 3-B).
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
8. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands

permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

9. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Windham Conservation Commission of the date project construction is proposed to begin.

10. Work shall be conducted during low flow conditions.

11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

12. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

13. Proper headwalls shall be constructed within seven days of culvert installation.

14. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.

15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

16. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

17. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

#### Upland Buffer and Wetland Preservation:

21. This permit is contingent upon preservation of 10.78 acres of wetlands and contiguous upland buffer, depicted as Open Space Tax Map 3-B Lot 375 on the Subdivision Plan (Sheets 2, 16 & 29 of 61) by Benchmark Engineering, Inc. dated May 27, 2003 and revised December 26, 2003, as received by the Department on March 10, 2004, through the execution of a conservation easement granted to the Town of Windham.

22. The conservation easement to be placed on the preservation area shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

23. The plan noting the preservation area with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

24. The applicant shall prepare a report summarizing existing conditions within the preservation area. Said report shall contain photographic documentation of the preservation area, and shall be submitted to the NHDES Wetlands Bureau and the grantee prior to construction to serve as a baseline for future monitoring of the preservation area.

25. The preservation area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

26. Signs to indicate the location of and restrictions on the preservation area shall be posted no further than every 150 feet along the boundary of the preservation area prior to construction.

27. Prior to construction, the permittee shall notify the NHDES Wetlands Bureau of the placement of the preservation area signs.

28. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

#### With Findings:

1. The project is categorized as a Major Impact Project, per Administrative Rule Wt 303.02(c), as the project involves greater than 20,000 square feet of alteration in nontidal wetlands and surface waters.

2. The project represents phase I of a two-phase development. Phase I involves subdivision of Lots 600, 650, 1200 and 1300 (Windham Tax Map 3-B) to construct 48 single-family building lots and two neighborhood business zoned building lots. Review of conceptual plans indicates that Phase II involves construction of approximately 50 single-family building lots on abutting Lot 800 (Windham Tax Map 3-B), which is not owned by the applicant.

3. The majority of the proposed jurisdictional impacts (>90%) involve filling previously disturbed, man-made scrub-shrub and emergent wetlands that provide relatively low functions and values.

4. In a letter to the DES Wetlands Bureau dated July 28, 2003 the Windham Conservation Commission (ConCom) made the

following recommendations: a) Minimize the size of the rip-rap outlet apron at wetland impact area 'A'; b) Pursue opportunities to create wetlands in the vicinity of proposed wetland impact area 'B'; and c) Reduce the width of Northland Road to minimize wetlands impacts. The ConCom also requested a meeting with DES Wetlands Bureau staff to discuss their recommendations.

5. On August 28, 2003 DES Wetlands Bureau staff conducted a field inspection of the property.

6. During its September 3, 2003 meeting the Windham Planning Board recommended approval of the subdivision with a number of conditions, including construction of a left-turn lane on Route 28 as part of Phase I development and construction of Northland Road with a 28-foot wide travel surface.

7. In a letter to the DES Wetlands Bureau dated September 9, 2003 the Windham ConCom indicated that based on a site inspection of the property with DES Wetlands Bureau staff, many of its concerns regarding the project had been resolved. The ConCom did, however, request that it be granted the opportunity to review and comment on the project's proposed open space covenants.

8. In a letter to the DES Wetlands Bureau dated October 6, 2003 the Windham ConCom indicated that during the final public hearing for the proposed project the Windham Planning Board approved a left-turn lane on Route 28 to access the proposed subdivision that would require approximately 8,000 square feet of additional wetlands impacts. Based on review of the applicant's traffic impact study, the ConCom stated that the left-turn lane was not warranted and recommended that the Department deny the request for construction of the left-turn lane.

9. In a letter to the DES Wetlands Bureau dated November 5, 2003, Ross McLeod, the Chairman of the Windham Planning Board, requested that the Department uphold the Planning Board's approval and all associated conditions of that approval pertaining to construction of the left-turn lane on Route 28 to access the proposed subdivision.

10. In a letter to the applicant dated January 9, 2004 the Windham Planning Board indicated that during its January 7, 2004 meeting it had voted to postpone the condition of its approval requiring construction of a left-turn lane on Route 28. The Planning Board stated that it would reassess the need for a left-turn lane when and if the parcel across Route 28 was developed.

11. In a letter dated May 17, 2002 the NH Natural Heritage Inventory (NHI) stated that a Southern New England acidic seepage swamp and a population of state-endangered Downy Arrow-Wood had been identified in the vicinity of the proposed project. The NH NHI also stated that historical records indicate that the state endangered Butterfly-Weed and the state-threatened Loesel's Twayblade existed in the vicinity of the proposed project.

12. Based on review of the map provided by the NH NHI depicting the known locations of the exemplary natural community and state threatened and endangered species referenced in finding #11 above, the Department finds that the proposed project will not adversely impact the Southern New England acidic seepage swamp nor the populations of Downy Arrow-Wood or Butterfly-Weed.

13. Based on review of a letter by Gove Environmental Services, Inc. dated September 2, 2003, the Department finds that the historic location of the state-threatened Loesel's Twayblade is located off-site, near the property's southern boundary. As portions of the southern boundary will be preserved as open space, the Department finds that the project will not adversely impact the Loesel's Twayblade, should it still exist.

14. As compensatory mitigation for wetlands and surface waters impacts the applicant has agreed to preserve 107.53 acres of wetlands and contiguous upland buffer on-site, including approximately 10.78 acres adjacent to Spruce Pond, which will be deeded to the Town of Windham, and which abuts land currently owned by the Town of Windham.

15. The wetlands compensatory mitigation plan proposed by the applicant exceeds the mitigation ratios for upland buffer preservation, as defined in Rule Wt 803.05.

16. The Department finds that a complete technical review of site drainage issues, including stormwater analyses for quality and quantity of stormwater runoff, has been conducted by the DES Site Specific Program. This includes, but is not limited to, review of: methods to control peak stormwater discharge rates; construction erosion controls; and methods for treatment of stormwater runoff from impervious surfaces. Issuance of DES Site Specific Permit WPS 6719 on March 9, 2004 is indicative that all requirements of Env-Ws 415 have been satisfied.

17. On March 16, 2004 the DES Dam Safety Bureau tentatively approved the issuance of two permits for the construction of two dams (#256.21 & #256.22) associated with two proposed stormwater detention ponds on-site, contingent upon issuance of a Wetlands and Non-Site Specific Permit.

18. The need for the proposed jurisdictional impacts has been demonstrated by the applicant, per Rule Wt 302.01.

19. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

20. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

21. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

22. Based on observation made by DES Wetlands Bureau staff during the field inspection of the property on August 28, 2003 and based on review of the application and supporting documentation, the Department waives the public hearing with the finding that project impacts will not significantly impair the resources of Spruce Pond nor the functions and values of the remaining wetlands on

the property.

## MINOR IMPACT PROJECT

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**2000-00641                      PJL TRUST 2000 FAMILY TRUST**  
**AUBURN   Tributary To Sucker Brook**

**Requested Action:**

Dredge and fill a total of 3,575 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway/culvert crossing of a perennial stream to access a single-family home site.

9,185 sq. ft. of previously impacted wetlands and perennial stream will be restored to original condition prior to construction activities on site.

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**APPROVE AFTER THE FACT:**

Dredge and fill a total of 3,575 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway/culvert crossing of a perennial stream to access a single-family home site.

9,185 sq. ft. of previously impacted wetlands and perennial stream will be restored to original condition prior to construction activities on site.

**With Conditions:**

1. All work shall be in accordance with plans and restoration narrative by Daniel H. Geiger, Oak Hill Environmental Services dated April 28, 2000, as received by the Department on July 06, 2000.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Wetland restoration area(s) shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be properly rip rapped.
8. Work shall be done during low flow.

**2000-02461                      MERRIMACK VILLAGE DISTRICT**  
**MERRIMACK   Tributary To Souhegan River**

**Requested Action:**

Dredge 350 sq. ft. (7 cu. yds.) of sediments unintentionally discharged into an unnamed stream during the water release and cleaning operations of the Turkey Hill water tank.

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**APPROVE AFTER THE FACT:**

Dredge 350 sq. ft. (7 cu. yds.) of sediments unintentionally discharged into an unnamed stream during the water release and cleaning operations of the Turkey Hill water tank.

**With Conditions:**

On December 13, 2000 DES Compliance Staff gave verbal authorization to proceed with the sediment removal and to restore the

area to its original streambed conditions with minimal environmental impact.

**2000-02634                      GRANITE STATE CONCRETE COMPANY INC**  
**LYNDEBOROUGH   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 16,490 sq. ft. of palustrine forested/scrub-shrub/emergent wetlands for work associated with the expansion of an existing sand & gravel excavation operation including wetlands enhancement/creation/mitigation areas on site.

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Inspection Date: 10/05/2001 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total of 16,490 sq. ft. of palustrine forested/scrub-shrub/emergent wetlands for work associated with the expansion of an existing sand & gravel excavation operation including wetlands enhancement/creation/mitigation areas on site.

With Conditions:

1. All work shall be in accordance with plans by Maynard & Paquette Engineering Associates, LLC dated July 26, 2000 (last revised 10/17/01) and Project Narrative by North American Reserve submitted with application, as received by the Department on October 31, 2001.
2. This permit is contingent on approval by the DES Site Specific Program.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Wetland enhancement/creation/mitigation areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of a total of 16,490 sq. ft. of palustrine forested/scrub-shrub/emergent wetlands for work associated with the expansion of an existing sand & gravel excavation operation including wetlands enhancement/creation/mitigation areas on site.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. DES Staff conducted a field inspection of the proposed project on October 05, 2001. Field inspection determined appropriate compensatory wetlands mitigation.

**2002-00582                      OAK LEAF HOMES LLC**  
**HUDSON   Limit Brook**

Requested Action:

Dredge and fill 4,996 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway/culvert crossing to access a 14-lot residential subdivision on a 37.496 acre parcel of land.

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APPROVE PERMIT:

Dredge and fill 4,996 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway/culvert crossing to access a 14-lot residential subdivision on a 37.496 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Cuoco & Cormier Engineering Associates, Inc. dated January 31, 2002, as received by the Department on March 25, 2002.
2. This permit is contingent on approval by the DES Site Specific Program, if required.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of 4,996 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway/culvert crossing to access a 14-lot residential subdivision on a 37.496 acre parcel of land.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

**2003-00557                      MANCHESTER, CITY OF**  
**MANCHESTER   Cohas Brook**

Requested Action:

Dredge and fill a total of 2,644 sq. ft. for the placement of stone rip rap along a total of 255 linear feet of shoreline at the toe of existing abutments for the rehabilitation and improvement of the bridge which carries Brown Avenue over Cohas Brook.

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APPROVE PERMIT:

Dredge and fill a total of 2,644 sq. ft. for the placement of stone rip rap along a total of 255 linear feet of shoreline at the toe of existing abutments for the rehabilitation and improvement of the bridge which carries Brown Avenue over Cohas Brook.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner & Associates, Inc. dated March 2003, as received by the Department on March 31, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. This is a required bridge maintenance project.

**2003-00661                      MANCHESTER, CITY OF**  
**MANCHESTER   Tributary To Merrimack River**

Requested Action:

Request amendment to dredge and fill an additional 8,625 sq. ft. of previously impacted, low value, isolated, man-made wetlands for the construction of seven (7) residential townhouse complexes, with appurtenant parking and drainage structures.

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Inspection Date: 08/06/2003 by Frank D Richardson

APPROVE AMENDMENT:

Dredge and fill 7,773 sq. ft. of highly impacted

jurisdictional wetlands in an existing stormwater discharge ravine and reroute drainage through a 48 in. drain pipe system to provide for proposed municipal/commercial site development.

Permit amended to: dredge and fill an additional 8,625 sq. ft. of previously impacted, low value, isolated, man-made wetlands for the construction of seven (7) residential townhouse complexes, with appurtenant parking and drainage structures for a total wetlands impact of 16,398 sq. ft.

With Conditions:

1. All work shall be in accordance with plans by Kimball Chase dated March 2003, as received by the Department on April 14, 2003.
- 1a. Additional work as approved by this amendment shall be in accordance with plans by TFMoran, Inc. dated January 12, 2004, as received by the Department on February 19, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Waste Management Division.
5. This permit is contingent on compliance with any and all requirements for site remediation set forth by the DES Hazardous Waste Remediation Bureau.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
7. The permittee shall coordinate all site work and construction activities with the New Hampshire Fish & Game Department Nongame and Endangered Wildlife Program and the Audubon Society of New Hampshire to assure this project will not adversely impact the winter roosting and foraging of the Bald Eagles known to utilize this section of the Merrimack River between the months of December and May.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 6, 2003. Field inspection determined this site is a highly impacted stormwater discharge ravine in an urban/commercial/industrial setting having very low wetland/wildlife habitat value.
6. Amendment to impact an additional 8,625 sq. ft. of previously impacted, low value, isolated, man-made wetlands for the construction of seven (7) residential townhouse complexes, with appurtenant parking and drainage structures is reasonable and will



not adversely effect other natural resources in the environs.

**2003-00861                      TOWNE, ADAM**  
**EPSOM   Tributary To Little Suncook River**

Requested Action:

Dredge and fill 8,200 sq. ft. of palustrine scrub-shrub/emergent wetlands to construct a roadway and culvert crossing of an intermittent stream to access a 4-lot residential subdivision on a 22.73 acre parcel of land.

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APPROVE PERMIT:

Dredge and fill 8,200 sq. ft. of palustrine scrub-shrub/emergent wetlands to construct a roadway and culvert crossing of an intermittent stream to access a 4-lot residential subdivision on a 22.73 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Christopher S. Albert dated 27 March 2003, as received by the Department on May 05, 2003 and subdivision plan by Joseph M. Wichert, L.L.S., Inc. dated 7 January 2004 as received by the Department on January 16, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the Merrimack County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.
9. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of 8,200 sq. ft. of palustrine scrub-shrub/emergent wetlands to construct a roadway and culvert crossing of an intermittent stream to access a 4-lot residential subdivision on a 22.73 acre parcel of land.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

**2003-00947                      HYDE, DENNIS & M.**  
**COLEBROOK   Unnamed Pond**

Requested Action:

Dredge and fill a total of 7,500 sq. ft. of temporary impacts to palustrine forested/scrub-shrub/emergent wetlands to remove 5,200 linear feet of old water pipe and replace with 5,200 linear feet of 3/4" 160 psi new water line.

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APPROVE AFTER THE FACT:

Dredge and fill a total of 7,500 sq. ft. of temporary impacts to palustrine forested/scrub-shrub/emergent wetlands to remove 5,200 linear feet of old water pipe and replace with 5,200 linear feet of 3/4" 160 psi new water line.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Areas shall be regraded to original contours following completion of work.
4. Wetland restoration in areas of temporary wetlands impacts shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

**2003-01195                      GORDON, CHRISTOPHER**  
**HAMPTON FALLS   Unnamed Wetland**

Requested Action:

Fill 5,475 square feet of forested wetlands for the construction of an access road to buildable uplands where single-family residence is proposed for construction.

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APPROVE PERMIT:

Fill 5,475 square feet of forested wetlands for the construction of an access road to buildable uplands where single-family residence is proposed for construction.

With Conditions:

1. All work shall be in accordance with plans by Parker Survey & Engineering dated August 1, 2003, with revisions dated March 17, 2004, as received by the Department on March 18, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence that demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

**2003-01438 VERRES FINANCIAL CORPORATION**  
**MANCHESTER Unnamed Wetland**

Requested Action:

Dredge and fill a total of 9,325 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with culvert crossing and drainage structures to access 8 residential building lots.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill a total of 9,325 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with culvert crossing and drainage structures to access 8 residential building lots.

With Conditions:

1. All work shall be in accordance with plans by Burd Engineering dated May 22, 2003 (last revised 6-16-03), as received by the Department on July 07, 2003.
2. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of a total of 9,325 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with culvert crossing and drainage structures to access 8 residential building lots.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02307 DUBREVIL, RAYMOND**  
**LANCASTER Unnamed Stream**

Requested Action:

Dredge and fill approximately 200 sq. ft. within the embankments and flow channel of a perennial stream to "replace" an 8 ft. wide deteriorated bridge of timber construction with 20 linear feet of 4 ft. dia. culvert pipe with rock headwalls and cover with 1 ft. of crushed gravel.

\*\*\*\*\*

DENY PERMIT:

Dredge and fill approximately 200 sq. ft. within the embankments and flow channel of a perennial stream to "replace" an 8 ft. wide deteriorated bridge of timber construction with 20 linear feet of 4 ft. dia. culvert pipe with rock headwalls and cover with 1 ft. of crushed gravel.

With Findings:

1. This is a Minor impact Project per NH Code of Administrative Rule Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).

2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Wt 302.01.
4. The applicant must provide evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.
7. Requests for more information by DES Wetlands Bureau staff as to the need and justification of 'replacing' an 8 foot wide wooden bridge with a 20 foot wide roadway/ culvert crossing have not been adequately addressed.
8. Applicant states that existing approach road to existing bridge is 10 feet wide, therefore, there is no demonstrated need or justification to construct a 20 foot wide roadway/ culvert crossing of this perennial stream at this location.

**2003-02483                      KINCAID, MARILYN & PAMELA COBURN**  
**MEREDITH   Lake Wiinipisaukee**

Requested Action:

Excavate 24 sqft behind full lake to construct a 6 ft by 4 ft concrete pad, construct a 6 ft by 40 ft seasonal dock attached to an existing 6 ft by 40 ft seasonal dock by a 6 ft by 12 ft seasonal walkway on Lake Winnipisaukee, Meredith.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com has no concerns.

APPROVE PERMIT:

Excavate 24 sqft behind full lake to construct a 6 ft by 4 ft concrete pad, construct a 6 ft by 40 ft seasonal dock attached to an existing 6 ft by 40 ft seasonal dock by a 6 ft by 12 ft seasonal walkway on Lake Winnipisaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Docks Unlimited, as received by the Department on November 3, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. Seasonal piers shall be removed from the lake for the non-boating season.
7. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
8. The concrete pad shall be located entirely landward of full lake elevation of 504.32.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d).
2. The applicant has an average of 155 ft of frontage on Lake Winnipisaukee.
3. In accordance with Rule Wt 402.14, Frontage Over 75', a maximum of 3 slips may be permitted on this frontage.
4. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2.

**2003-02751                      MANCHESTER SAND & GRAVEL**  
**HOOKSETT   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 6,330 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with three (3) culvert crossings to access a 65-lot residential subdivision on a 193.067 acre parcel of land of which 82.699 acres are designated as open space.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Letter dated December 9, 2003: "The Hooksett Conservation Commission has reviewed the project... approved the plan as submitted for the three crossings [and] does not have any additional concerns or problems with this permit application."

APPROVE PERMIT:

Dredge and fill a total of 6,330 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with three (3) culvert crossings to access a 65-lot residential subdivision on a 193.067 acre parcel of land of which 82.699 acres are designated as open space.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering & surveying, Inc. dated 03-23-04 (wetland impact plan), as received by the Department on March 24, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit shall not be effective until it has been recorded with the Merrimack County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
5. There shall be no work associated with this project either in or adjacent to designated prime wetlands.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Culvert outlets shall be properly rip rapped.
14. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), impacting 6,330 sq. ft. of palustrine forested/scrub-shrub wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02847**                      **AKINS, WAYNE**  
**WARNER**   **Unnamed Wetland**

Requested Action:

Dredge and fill approximately 3,305 square feet of palustrine forested wetlands and install 24" x 75' culvert to provide access to 1 lot of a 2-Lot subdivision

\*\*\*\*\*

Conservation Commission/Staff Comments:

No comments submitted by the Conservation Commission.

APPROVE PERMIT:

Dredge and fill approximately 3,305 square feet of palustrine forested wetlands and install 24" x 75' culvert to provide access to 1 lot of a 2-Lot subdivision

With Conditions:

1. All work shall be in accordance with plans by Burd Engineering Associates dated October 1, 2003, as received by the Department on December 8, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq ft of nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2003-02870

SRR PROPERTIES LLC

**BEDFORD Unnamed Wetland**

Requested Action:

Dredge and fill a total of 13,150 sq. ft. of previously disturbed, low value, isolated, palustrine scrub-shrub/emergent wetlands for commercial lot development including a restaurant with associated parking and drainage structures.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Bedford Conservation Commission "... voted to support the application..."

APPROVE PERMIT:

Dredge and fill a total of 13,150 sq. ft. of previously disturbed, low value, isolated, palustrine scrub-shrub/emergent wetlands for commercial lot development including a restaurant with associated parking and drainage structures.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers, Inc. dated 12/03, as received by the Department on December 31, 2003.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Proper headwalls shall be constructed within seven days of culvert installation.
5. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00204                      DIXON, JOHN BARRY**  
**NORTHWOOD   Unnamed Wetland**

Requested Action:

Dredge and fill a 3,767 sq. ft. previously impacted, isolated, low-value wetland area for commercial development on a 1.067 acre lot.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No report received from the Northwood Conservation Commission.

APPROVE PERMIT:

Dredge and fill a 3,767 sq. ft. previously impacted, isolated, low-value wetland area for commercial development on a 1.067 acre lot.

With Conditions:

1. All work shall be in accordance with plans by Landry Surveying, LLC dated February 2003 (revised December 2003), as received by the Department on February 09, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

## MINIMUM IMPACT PROJECT

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**1999-01562                      CAMPBELL, V. WILSON**  
**NORTHWOOD   Unnamed Stream**

Requested Action:

Install 120 sq. ft. of stone rip-rap along 30 linear feet of embankment of a seasonal stream for scour protection.

\*\*\*\*\*

APPROVE AFTER THE FACT:

Install 120 sq. ft. of stone rip-rap along 30 linear feet of embankment of a seasonal stream for scour protection.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

**2000-02003                      W/S NORTH HAMPTON PROPERTIES LLC**  
**NORTH HAMPTON   Unnamed Wetland**

Requested Action:

Amend permit to fill a total of 2,417 sq. ft. of freshwater wetland for access for reconstruction and redevelopment of a commercial shopping mall, and impact a total of 3,079 square feet of an existing drainage ditch and freshwater wetlands for the excavation of the drainage swale and the construction of a berm 2 feet in height to keep stormwater from overflowing from the swale. Project impacts total 5,496 square feet within freshwater wetlands.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Will be receiving a 19.3 acre conservation easement in conjunction with this project.

APPROVE AMENDMENT:

Amend permit to fill a total of 2,417 sq. ft. of freshwater wetland for access for reconstruction and redevelopment of a commercial shopping mall, and impact a total of 3,079 square feet of an existing drainage ditch and freshwater wetlands for the excavation of the drainage swale and the construction of a berm 2 feet in height to keep stormwater from overflowing from the swale. Project impacts total 5,496 square feet within freshwater wetlands.

With Conditions:

1. REVISED CONDITION: All work shall be in accordance with plans by NH Soil Consultants, Inc. dated June 5, 2001.

**2001-01546                      M & P REAL ESTATE TRUST**  
**PELHAM   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 896 sq. ft. in the embankments of a perennial stream to construct a bridge/driveway crossing to access an upland area designated as a single-family house lot.

\*\*\*\*\*

APPROVE AFTER THE FACT:

Dredge and fill a total of 896 sq. ft. in the embankments of a perennial stream to construct a bridge/driveway crossing to access an



upland area designated as a single-family house lot.

With Conditions:

1. This permit is contingent on approval by the DES Subsurface Systems Bureau.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.

**2002-01837                      KALOS, GEORGE**  
**HUDSON   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 110 square feet of palustrine wetland swale area for access to buildable portion of residential lot.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill approximately 110 square feet of palustrine wetland swale area for access to buildable portion of residential lot.

With Conditions:

1. All work shall be in accordance with plans by Maynard & Paquette dated 9/27/02, as received by the Department on 3/22/04.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Proper headwalls shall be constructed within seven days of culvert installation.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-00524                      ROGERS, PATTY**  
**ALTON   Unnamed Wetland**

Requested Action:

After the fact request to retain 30 foot x 15-inch diameter culvert.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Alton Conservation Commission did not comment on this application.

APPROVE AFTER THE FACT:

Retain 30 foot x 15-inch diameter culvert under Chamberlain Rd.

With Conditions:

1. Any further alteration of areas that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(x), maintenance, repair or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Ariel photographs of the area indicate the stream and a culvert were present in 1998.

**2003-00936                      AAM BUILDERS INC**  
**EPSOM    Unnamed Stream**

Requested Action:

Dredge and fill 955 sq. ft. of palustrine forested/scrub-shrub wetlands and intermittent stream channel to construct a driveway/ culvert crossing to access a single-family home site on a 2 acre parcel of land.

\*\*\*\*\*

APPROVE AFTER THE FACT:

Dredge and fill 955 sq. ft. of palustrine forested/scrub-shrub wetlands and intermittent stream channel to construct a driveway/ culvert crossing to access a single-family home site on a 2 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, LLC dated May 14, 2003, as received by the Department on May 19, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Proper headwalls shall be constructed within seven days of culvert installation.
6. Work shall be done during low flow.

**2003-01142                      PHILBRICK, MAURICE & MARTHA**  
**EPSOM    Unnamed Stream**

Requested Action:

Dredge and fill 1,000 sq. ft. in the embankments and flow channel of a seasonal stream to replace a damaged culvert for snowmobile trail crossing improvement.

\*\*\*\*\*

APPROVE AFTER THE FACT:

Dredge and fill 1,000 sq. ft. in the embankments and flow channel of a seasonal stream to replace a damaged culvert for snowmobile trail crossing improvement.

With Conditions:

1. Proper headwalls shall be constructed within seven days of culvert installation.
2. Culvert outlets shall be properly rip rapped.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

**2003-01187                      CARRICK, JAMES,SUSAN,ROBERT & JON**  
**GOSHEN   Unnamed Wetland**

Requested Action:

Retain replacement of an existing 8" x 71.5' culvert and restore approximately 600 square feet of disturbed jurisdictional wetlands  
\*\*\*\*\*

APPROVE PERMIT:

Retain replacement of an existing 8" x 71.5' culvert and restore approximately 600 square feet of disturbed jurisdictional wetlands

With Conditions:

1. All work shall be in accordance with plans by Riverside Ecological Designs LLC dated February 26, 2004, as received by the Department on March 1, 2004.
2. A Certified Wetlands Scientist shall inspect the restoration activities on the Property to ensure that the restoration is accomplished pursuant to this permit.
3. No machinery shall be placed within DES jurisdictional areas on the Property during the restoration.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Restoration area shall be regraded to original contours following completion of work.
7. All material removed during restoration activities shall be placed out of DES's jurisdiction.
8. Repair of the culvert shall maintain existing size, location and configuration.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Wetland replication area shall have at least 75% successful establishment of wetlands vegetation after one growing season, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
11. Within 30 days of completion of work in the restoration area, submit photos' documenting the work has been completed and the area is stabilized. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.
12. Invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(x), repair of an existing culvert.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department has determined retaining 600 sq ft of fill is not approvable, and therefore requires restoration.

**2003-01685                      SIMINO JR, JOSEPH/TAMARA**  
**CLAREMONT   Steven's Brook**

Requested Action:

Dredge and fill 2,386 square feet of palustrine forested wetlands and impact 40 linear feet of seasonal stream channel to provide access to a single family residence

\*\*\*\*\*

Conservation Commission/Staff Comments:

Conservation Commission approves of the project, recommends work during low flow with appropriate siltation and erosion controls.

Inspection Date: 09/24/2003 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Dredge and fill 2,386 square feet of palustrine forested wetlands and impact 40 linear feet of seasonal stream channel to provide access to a single family residence

With Conditions:

1. All work shall be in accordance with plans by M & W Soils Engineering, Inc., dated March 5, 2004, as received by the Department on March 9, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
7. No fill shall be done for lot development.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill to provide access to a single family residence.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02065**                      **RJ INVESTMENTS, LLC**  
**NASHUA**   **Unnamed Wetland**

Requested Action:

Dredge and fill 300 sq. ft. of palustrine emergent wetland to construct a driveway/culvert crossing to access a single-family house lot.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Nashua Conservation Commission recommends approval of the project.

APPROVE PERMIT:

Dredge and fill 300 sq. ft. of palustrine emergent wetland to construct a driveway/culvert crossing to access a single-family house lot.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstrom Associates, Inc. dated August 2003, as received by the Department on September 12, 2003.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be properly rip rapped.

**2003-02405                      HOLBROOK, FREDERICK/KATHLEEN**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Recap a 16 ft x 53 ft concrete dock with wood decking.

\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Recap a 16 ft x 53 ft concrete dock with wood decking.

With Findings:

1. A request for additional information dated November 3, 2003, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2004-00111                      PELHAM, TOWN OF**  
**PELHAM   Unnamed Stream**

Requested Action:

Dredge and fill 500 sq. ft. of jurisdictional wetlands to replace a collapsed stone culvert with 40 linear feet of 2 ft. dia. NH DOT approved culvert at the Lt. Elmer G. Raymond Memorial Park.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 500 sq. ft. of jurisdictional wetlands to replace a collapsed stone culvert with 40 linear feet of 2 ft. dia. NH DOT approved culvert at the Lt. Elmer G. Raymond Memorial Park.

With Conditions:

1. All work shall be in accordance with plans by William T. Hayes dated 11/30/03, as received by the Department on January 20, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new

application and further permitting by the Bureau.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Proper headwalls shall be constructed within seven days of culvert installation.
5. Culvert outlets shall be properly rip rapped.
6. Work shall be done during low flow.

**2004-00137                      LACONIA MILLWORKS LLC**  
**LACONIA   Winnepesaukee River**

Requested Action:

Dredge and fill 100 square feet for the installation of two culvert outlets in the bank of the Winnepesaukee River.

\*\*\*\*\*

Conservation Commission/Staff Comments:

In a letter dated February 5, 2004, the Laconia Conservation Commission recommended the culvert outlets be protected against erosion.

APPROVE PERMIT:

Dredge and fill 100 square feet for the installation of two culvert outlets in the bank of the Winnepesaukee River.

With Conditions:

1. All work shall be in accordance with plans by Steven Smith and Associates dated December 31, 2003, as received by the Department on January 26, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. Work shall be done during low flow.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within three days of culvert installation.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Silt fencing must be removed once the area is stabilized.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new

application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(x), replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed project will improve an existing situation by reducing the number of culvert outfalls on this site from four to two and providing treatment for stormwater prior to discharge into the Winnepesaukee River.
6. The approval of these culvert outlets in no way implies approval of the potential docking structure illustrated on the plans.
7. This area has been exempted from The Shoreland Protection Act pursuant to RSA 483-B:12.

**2004-00161                      BROCHU, EMMANUEL & JUDITH**  
**CONCORD   Unnamed Wetland**

Requested Action:

Dredge and fill 660 square feet of man made wetland for roadway access in the subdivision of 6.59 acres into 14 single family residential lots.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Concord Conservation Commission did not comment on this application.

APPROVE PERMIT:

Dredge and fill 660 square feet of man made wetland for roadway access in the subdivision of 6.59 acres into 14 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Richard D Bartlett and Associates dated January 20, 2004, as received by the Department on January 30, 2004.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. Silt fencing must be removed once the area is stabilized.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows.

**2004-00227**

**TWIDDY, HERBERT & IRENA WACHS**

**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Permanently remove an existing 4 ft by 60 ft seasonal dock with an 8 ft by 5 ft seasonal section in an "L" shaped configuration with a 6 ft by 46 ft seasonal dock connected to a 4 ft by 6 ft concrete pad on Lake Winnepesaukee, Moultonborough.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com request 40 day hold on Feb. 11, 2004, for site inspection

No response from Con Com on project by 3/25/04

APPROVE PERMIT:

Permanently remove an existing 4 ft by 60 ft seasonal dock with an 8 ft by 5 ft seasonal section in an "L" shaped configuration with a 6 ft by 46 ft seasonal dock connected to a 4 ft by 6 ft concrete pad on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated January 22, 2004, as received by the Department on February 11, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Seasonal pier shall be removed from the lake for the non-boating season.
8. No portion of the pier shall extend more than 46 feet from the shoreline at full lake elevation.
9. The concrete pad shall be located entirely behind full lake elevation of 504.32 ft.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a).
2. The proposed docking structure is less sqft of impact than the existing structure, thus meeting Rule Wt 402.22.

**FORESTRY NOTIFICATION**

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**2004-00422**

**DAVIS, ALVIN**

**LOUDON Unnamed Wetland**

COMPLETE NOTIFICATION:

Loudon Tax map 21, Lot# 41



**2004-00429                    WHITE SYLVANIA TRUST, C/O EDWARD HARDING TRUST**  
**SANDWICH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sandwich Tax Map R2, Lot# 20

**2004-00458                    BARLETTA ESTATE, VINCENT**  
**HENNIKER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Henniker Tax Map 1, Lot# 36, 37, 38, 39 & 61

**2004-00459                    BARLETTA ESTATE, VINCENT**  
**HENNIKER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Henniker Tax Map 1, Lot# 59, 60 & 84

**2004-00460                    BARLETTA, ESTATE OF VINCENT**  
**HENNIKER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Henniker Tax Map 1, Lot# 3, 4, 5 & 6

**OTHER BUSINESS**

\*\*\*\*\*

**2001-00424                    PELHAM, TOWN OF**  
**PELHAM   Prime Wetlands**

Requested Action:  
Town of Pelham requests inclusion of four (4) wetland systems into their existing designated prime wetlands inventory.  
\*\*\*\*\*

OTHER:  
Approve request by the Town of Pelham for the inclusion of four (4) wetland systems into their existing designated prime wetlands inventory.

The newly designated prime wetlands are:  
Little Island Pond (#2)  
St. Patrick's School (#3)  
Sherburne Road (Bog #4)  
Sherburne Road (Emergent #5)

**EXPEDITED MINIMUM**

\*\*\*\*\*

**2002-00383                      CURELOP REV.TRUST, SIDNEY**  
**MERRIMACK   Unnamed Wetland**

Requested Action:

Approve name change to: Hall-Conway Construction Corp., 15 Trafalgar Square, Nashua, N.H. 03063 per request received 3/24/04.

\*\*\*\*\*

APPROVE NAME CHANGE:

Fill a total of 1,000 sq. ft. of forested wetland and install three 12" culverts to provide driveway access to three lots (6A-2-129-1, 6A-2-129-2, and 6A-1-131) in a proposed four lot subdivision.

With Conditions:

1. All work shall be in accordance with subdivision plans by Meridian Land Services, Inc. dated February 1, 2002 (revised 4/8/02) and driveway plans dated December 13, 2002 (revised 4/19/02), as received by the Department on April 24, 2002.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Work shall be done during low flow.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. All water lines shall be placed within the areas approved for driveway fill.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2003-02427                      FULLER, HENRY**  
**NORTH HAMPTON   Unnamed Wetland**

Requested Action:

Change name to B&G Realty Trust to fill 1,600 square feet of nontidal wetlands for the construction of a driveway crossing to access buildable uplands within a proposed 2-lot subdivision.

\*\*\*\*\*

APPROVE NAME CHANGE:

Change name to B&G Realty Trust to fill 1,600 square feet of nontidal wetlands for the construction of a driveway crossing to access buildable uplands within a proposed 2-lot subdivision.

**2003-02817                      MCFARLAND, SUZANNE**  
**RYE   Atlantic Ocean**

Requested Action:

Temporarily impact 5,210 square feet of developed upland tidal buffer zone, and permanently impact 5,730 square feet of

developed upland tidal buffer zone for the replacement of the existing single-family residence, installation of a upgraded septic system, and associated grading and landscaping. Project impacts total 10,940 square feet of developed upland tidal buffer zone.  
\*\*\*\*\*

**APPROVE PERMIT:**

Temporarily impact 5,210 square feet of developed upland tidal buffer zone, and permanently impact 5,730 square feet of developed upland tidal buffer zone for the replacement of the existing single-family residence, installation of a upgraded septic system, and associated grading and landscaping. Project impacts total 10,940 square feet of developed upland tidal buffer zone.

**With Conditions:**

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated September 2003, with revisions dated December 16, 2003, as received by the Department on December 22, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
6. This permit is contingent on approval by the NH Departemnt of Transportaion for proposed alterations to the driveway within Route 1-A.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
9. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has obtained NH DOT permit #06-397-191 for driveway alterations within Route 1-A.
5. NH Natural Heritage Inventory (NHNHI) has record of one plant species of special concern within the vicinity of the project, Beach Grass (*Ammophila breviligulata*), and one natural communtil of special concern, Gulf of Maine Salt Marsh. DES review finds that the NHNHI identified items will not be negatively impacted as a result of the proposed work within the developed upland tidal buffer zone.

**2003-02856**

**BRESLIN, PATRICIA**

**RYE Atlantic Ocean**

**Requested Action:**

impact 608 square feet of the tidal buffer zone to regrade existing rocks that have been pushed up against the seawall by the winter storms  
\*\*\*\*\*

Inspection Date: 01/29/2004 by Christina Altimari  
Inspection Date: 03/02/2004 by Christina Altimari

**DENY RECONSIDERATION:**

impact 608 square feet of the tidal buffer zone to regrade existing rocks that have been pushed up against the seawall by the winter storms

With Findings:

1. On December 30, 2003, DES received a minimum expedited application from Patricia J. Breslin ("the Applicant") requesting to impact 608 square feet of the tidal buffer zone to regrade existing beach rocks that have been pushed up against the seawall by winter storms along the shoreline of Rye Tax Map 84 / Lot 108 ("the property"). As a result of the proposed work, thirty-six inches measured vertically on the ocean side of the seawall would be exposed.
2. On January 30, 2004, DES denied the application based on the following findings:
  - a. The rocks existing along this stretch of the beach are part of the natural landscape, and are distributed accordingly by the tides on a seasonal basis;
  - b. The existing seawall is serving its purpose by retaining the rocks on the ocean side of the wall, and that there is no evidence of the rocks overtaking the seawall, or redistribution of the rocks into the yard, landward of the wall; and
  - c. If the rocks were to be regraded along the seawall, that there exists a greater possibility of erosion and scouring of sediment from underneath the wall.
3. On February 16, 2004, the Applicant's agent requested reconsideration of the denial.
4. On February 24, 2004, the Applicant's agent submitted information in support of the reconsideration request, inclusive of the following:
  - a. Evidence of debris on the landward side of the seawall,
  - b. Rocks on the ocean side of the seawall almost entirely covering the originally exposed face of the wall, therefore creating a ramp for tidal flows over the wall,
  - c. Impacts were needed to protect the Applicant's property and safety, and
  - d. The seawall will continue below the proposed grade and the remaining rocks will continue to protect the integrity of the base of the wall.
5. According to the property deed registered in Book 2922, Page 1387 at the Rockingham County Registry of Deeds, the property line exists at the limit of the existing seawall.
6. On March 2, 2004, DES conducted a second field inspection.
7. Vertical measurements taken at 10-foot intervals along the 77-foot long seawall record the wall's ocean side face exposed from a minimum of 12 inches above the grade of the rocky beach, and a maximum of 29 inches above the rocky beach. The mean height of the wall recorded above the grade of the rocky beach is 22 inches.
8. On March 4, 2004, DES provided alternative suggestions, inclusive of vertically adding to the existing seawall, or adding larger boulders on the property, to the Applicant's agent that would help the Applicant protect their property from debris and seaweed deposited on the landward side of the wall, and concurrently would maintain the natural rocky landscape of the beach in this location.
9. On March 11, 2004, DES received a letter from the Applicant requesting that a permit for work be issued based on the proposal presented in the original application. Within this letter the Applicant states that "the current stone wall is quite old and needs careful attention and repair each year."
10. DES finds that the area for which the regrading is proposed is not located on the property in question, and therefore DES cannot issue a permit to the Applicant for work on property that she does not own.
11. DES finds that the original proposal to regrade existing rocks to expose a 3-foot high face along the ocean side of the wall will not guarantee protection from debris and seaweed deposits by high storm tides, nor will the work remain a permanent, long term solution.
12. DES finds that the proposal to further expose an additional 7 to 24 inches along the face of the wall that needs annual repairs, without knowing in advance the existing structural condition of the base of the wall, would subject a possibly unstable wall to further damage by exposing it to the tremendous stress of the high storm tides and lead to a greater possibility of erosion and scouring from underneath the wall.
13. DES finds that the rocks existing along the base of the wall provide velocity reduction, and serve as protection from erosion and scouring, and that the grading of these rocks away from the wall would be detrimental to the integrity of the structure and the property that is was designed to protect.
14. DES rules that proposal is not the least impacting alternative in the given environment, and that the request for reconsideration is denied.

**2003-02857**                      **FROST, ROBERT**  
**RYE Atlantic Ocean**

Requested Action:

impact 488 square feet of the tidal buffer zone to regrade existing rocks that have been pushed up against the seawall by the winter storms

\*\*\*\*\*

Inspection Date: 01/29/2003 by Christina Altimari

**DENY RECONSIDERATION:**

impact 488 square feet of the tidal buffer zone to regrade existing rocks that have been pushed up against the seawall by the winter storms

**With Findings:**

1. In accordance with RSA 482-A:10, II Appeals, "a request for reconsideration shall be filed with DES within 20 days of issuance of the DES' decision or order. The request for reconsideration shall describe in detail each ground for complaint."
2. By statute, DES has no discretion to waive or extend this deadline.
3. On January 30, 2004, DES issued a denial of the applicant's request to impact 488 square feet of the tidal buffer zone to regrade existing rocks that have been pushed up against the seawall by the winter storms.
4. On February 19, 2004, the Applicant requested reconsideration of the denial noting that additional information in support of the request would be submitted at a later date.
5. To date, DES has not received any information to support the request for reconsideration; therefore the request for reconsideration is denied.

**2004-00231**

**NORTH COUNRTY SENIOR DEV GRP, BEN SANDERS**

**MEREDITH Unnamed Stream**

**Requested Action:**

Install a 12-inch water main temporarily impacting 261 square feet of channel along approximately 20 linear feet of two intermittent streams.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Meredith Conservation Commission signed this application

**APPROVE PERMIT:**

Install a 12-inch water main temporarily impacting 261 square feet of channel along approximately 20 linear feet of two intermittent streams.

**With Conditions:**

1. All work shall be in accordance with plans by Fluet Engineering Associates, P.C. dated September 2003, as received by the Department on February 12, 2004.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work shall be done during no flow conditions.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be limited within trench boxes only.
7. All material removed during work activities shall be placed out of DES's jurisdiction.
8. Area of temporary impact shall be regraded to original contours following completion of work.
9. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

12. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 30 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of jurisdictional wetlands less than 3,00 sq. ft.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00233                      LIBERTY MUTAL GRP**  
**DOVER   Cocheco River**

Requested Action:

Amend permit findings.

\*\*\*\*\*

APPROVE AMENDMENT:

Amend permit findings.

With Findings:

3. AMENDED FINDING: The irrigation pump will remain in the Cocheco River only during growing season, and will pump a maximum of 15,000 gallons per day.

**2004-00286                      GRAYSTONE MOTOR COURT, C/O DAN HUBBLEY**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Replace (4) pilings in kind supporting a 4 ft 7 in x 34 ft 9 in concrete pier connected to a 18 ft x 20 ft deck on the shoreline on an average of 179 ft of frontage on Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE PERMIT:

Replace (4) pilings in kind supporting a 4 ft 7 in x 34 ft 9 in concrete pier connected to a 18 ft x 20 ft deck on the shoreline on an average of 179 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated February 11, 2004, as received by the Department on February 23, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.

4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. All removed material including construction debris shall be placed outside the jurisdiction of the Wetlands Bureau prior to new construction.
6. Repair shall maintain existing size, location and configuration.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2004-00325                      THIBEAULT, STEVEN & NATALIE PIASECZNY**  
**ALTON   Hills Pond**

Requested Action:

Excavate 504 sq ft of bank to construct a 25 ft x 17 ft perched beach, utilizing 10 cu yds of sand, surrounded by 73 linear ft of stone wall, on an average of 151 ft of frontage on Hills Pond, Alton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE PERMIT:

Excavate 504 sq ft of bank to construct a 25 ft x 17 ft perched beach, utilizing 10 cu yds of sand, surrounded by 73 linear ft of stone wall, on an average of 151 ft of frontage on Hills Pond, Alton.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants, Inc. dated February 16, 2004, as received by the Department on March 1, 2004.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line. Those rocks existing at the normal high water line shall remain otherwise

undisturbed such that the natural shoreline remains identifiable.

9. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
13. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), construction of a perched beach for single family use utilizing no more than 10 cubic yards of sand.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00356                      FAGAN, PETER & MERLINI**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Excavate 338 sq ft to construct a 30 ft x 15 ft perched beach, utilizing 10 cu yds of sand, surrounded by 75 linear ft of stone wall, with steps accessing the beach and the water, on an average of 376 ft of frontage on Birch Island, Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE PERMIT:

Excavate 338 sq ft to construct a 30 ft x 15 ft perched beach, utilizing 10 cu yds of sand, surrounded by 75 linear ft of stone wall, with steps accessing the beach and the water, on an average of 376 ft of frontage on Birch Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated December 1, 2003, as received by the Department on March 5, 2004.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.



10. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), construction of a perched beach for single family use, utilizing 10 cubic yards or less.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**ROADWAY MAINTENANCE NOTIF**

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**2004-00438                      NH DEPT OF TRANSPORTATION, DISTRICT 3**  
**HOLDERNESS   Little Squam Lake**

**PERMIT BY NOTIFICATION**

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**2004-00186                      BANK, MICHAEL**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

Replace existing ice cluster and repair existing dock in kind.

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Conservation Commission/Staff Comments:

Application not signed by Conservation Commission

After a conversation with Rick DiMarco, Laconia ConCom, he stated that the ConCom deem this project approvable during the monthly meeting

PBN IS COMPLETE:

Replace existing ice cluster and repair existing dock in kind.

**2004-00279                      MIAMIS, STEVEN**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

In kind repair of 5ft x 50ft piling piers

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Conservation Commission/Staff Comments:

Gilford Conservation Commission signed this application

PBN IS COMPLETE:

In kind repair of 5ft x 50ft piling piers

**2004-00341 RIVER RUN COMPANY**  
**BARTLETT Unnamed Wetland**

Conservation Commission/Staff Comments:

Bartlett Conservation Commission did not sign the application

PBN IS COMPLETE:

PBN project#1, approximately 1,560 sq. ft. of impact. After review by staff, this project has no net loss of flood storage.

**2004-00342 BROADVIEW CONDOMINIUMS**  
**GILFORD Lake Winnepaukee**

Requested Action:

PBN #13, replenish cubic yards of beach and PBN #11, in kind replacement of docking facilities.

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Conservation Commission/Staff Comments:

Gilford Conservation Commission signed the application

PBN IS COMPLETE:

PBN #13, replenish cubic yards of beach and PBN #11, in kind replacement of docking facilities.

**2004-00404 STRAFFORD TOWN OF**  
**STRAFFORD Bow Lake**

Requested Action:

In kind replacement of docking facilities.

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Conservation Commission/Staff Comments:

Strafford Conservation Commission signed the application

PBN IS COMPLETE:

In kind replacement of docking facilities.

**2004-00415 TURGEON, JANE**  
**NORTHWOOD Unnamed Wetland**

Conservation Commission/Staff Comments:

Northwood Conservation Commission signed the application

PBN IS COMPLETE:

PBN #1, Impacting 103 sq ft of intermittent stream to replace a culvert and upgrade roadway.

**2004-00436                      LABRIE, JAMES**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Conservation Commission/Staff Comments:

Moultonborough Conservation Commission did not sign the application and submitted comments to DES.

PBN IS COMPLETE:

PBN#10, PWC lift with no wetland impact.

**2004-00437                      LABRIE, EUGENE**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Conservation Commission/Staff Comments:

Moultonborough Conservation Commission did not sign the application and submitted comments to DES.

PBN IS COMPLETE:

PBN#10, PWC lift with no wetland impact.